

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IVAN M. CROCKETT, :  
Plaintiff, :  
v. : Case No. 3:11-cv-272-KRG-KAP  
ROBERT MILLER, :  
Defendant :

Report and Recommendation

Plaintiff's "Motion to Alter or Amend Judgment" at docket no. 115, see Fed.R.Civ.P. 59, was referred to me under 28 U.S.C. § 636(b)(3).

Plaintiff does not suggest an intervening change in controlling law or the availability of new evidence, and does not show the need to correct a clear error of law or prevent manifest injustice. See Wiest v. Lynch, 710 F.3d 121, 128 (3d Cir.2013) (discussing three purposes of motion under Fed.R.Civ.P. 59). In his motion, docket no. 115, and brief, docket no. 116, plaintiff reargues the points addressed in the previous Report and Recommendation. The motion should be denied.

Pursuant to 28 U.S.C. § 636(b)(1), the parties are given notice that they have fourteen days to serve and file written objections to this Report and Recommendation.

DATE: 7/31/2014

K. A. Pesto

Keith A. Pesto,  
United States Magistrate Judge

Notice to counsel of record by ECF and by U.S. Mail to:

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